

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ERIN KATHLEEN O'DONNELL,
Plaintiff,

V.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,^{1/}
Defendant.

Case No. ED CV 12-1261 JCG

MEMORANDUM OPINION AND ORDER

Erin Kathleen O'Donnell (“Plaintiff”) challenges the Social Security Commissioner’s (“Defendant”) decision denying her application for disability benefits. Specifically, Plaintiff asserts that the Administrative Law Judge (“ALJ”) improperly assessed her Residual Functional Capacity (“RFC”). (Joint Stip. at 4.) This determination, so Plaintiff contends, was not adequately supported by the record. (*Id.*) The Court agrees, albeit on narrower grounds.^{2/}

^{1/} Carolyn W. Colvin is substituted as the proper defendant herein. *See* Fed. R. Civ. P. 25(d).

^{2/} As part of her discussion, Plaintiff alludes to numerous, distinct theories of error, including the improper assessment of medical evidence and the failure to call a

1 In assessing a claimant's RFC, the ALJ "must include a narrative discussion
2 describing how the evidence supports each conclusion, citing specific medical facts
3 (e.g., laboratory findings) and nonmedical evidence (e.g., daily activities,
4 observations)." Social Security Ruling ("SSR") 96-8P, 1996 WL 374184, at *7.
5 The ALJ's discussion must also "explain how any material inconsistencies or
6 ambiguities in the evidence . . . were considered and resolved." *Id.*

7 Here, the ALJ found Plaintiff able to perform "the full range of light work."
8 (AR at 24.) To support this RFC determination, the ALJ needed to address
9 Plaintiff's abilities to lift and carry weight. *See* 20 C.F.R. § 404.1567(b) (light work
10 requires the ability to lift and carry 20 pounds occasionally and 10 pounds
11 frequently). The ALJ's decision contains no such discussion and thus falls below
12 the standards mandated by SSR 96-8P.

13 This is so despite the ALJ's extensive treatment of the record, which
14 Defendant reviews at length. (*See* Joint Stip. at 11-12.) True, the ALJ did cite
15 evidence painting a benign picture of Plaintiff's impairments, but such *general*
16 evidence does not speak to the *specific* issue of Plaintiff's ability to lift and carry
17 weight.^{3/}

18 Accordingly, for the reasons stated above, the ALJ erred in assessing
19 Plaintiff's RFC. The Court thus determines that the ALJ's decision is not supported

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21 medical advisor. (*See* Joint Stip. at 4-7, 12-13.) For present purposes, these issues
22 need not be resolved.

23 ^{3/} Without belaboring the record, the Court highlights a few of the ALJ's
24 observations here. Regarding the medical evidence, the ALJ found it generally
25 unremarkable. (*See* AR at 22.) One record, for instance, revealed a "satisfactory
26 range of motion of all joints and extremities, no reported muscle spasm[s], no low
27 back tenderness, no arthritic stigmata, and no neurological deficits." (*Id.*) Similarly,
28 a radiographic study showed only "mild degenerative changes" in Plaintiff's cervical
spine. (*Id.*) As for Plaintiff's treatment history, it apparently consisted only of
regular exercise and a prescription for Nortriptyline. (*Id.*)

1 by substantial evidence. *Mayes v. Massanari*, 276 F.3d 453, 458-59 (9th Cir. 2001).

2 With error established, this Court has discretion to remand or reverse and
3 award benefits. *McAllister v. Sullivan*, 888 F.2d 599, 603 (9th Cir. 1989). Where no
4 useful purpose would be served by further proceedings, or where the record has been
5 fully developed, it is appropriate to exercise this discretion to direct an immediate
6 award of benefits. *See Benecke v. Barnhart*, 379 F.3d 587, 595-96 (9th Cir. 2004).
7 But where there are outstanding issues that must be resolved before a determination
8 can be made, or it is not clear from the record that the ALJ would be required to find
9 plaintiff disabled if all the evidence were properly evaluated, remand is appropriate.
10 *See id.* at 594.

11 On remand, the ALJ shall obtain, if necessary, additional information and
12 clarification regarding Plaintiff's impairments. On the basis of this information, the
13 ALJ shall then redetermine Plaintiff's RFC with sufficient detail as required by SSR
14 96-8P.

15 Based on the foregoing, IT IS ORDERED THAT judgment shall be entered
16 **REVERSING** the decision of the Commissioner denying benefits and
17 **REMANDING** the matter for further administrative action consistent with this
18 decision.^{4/}

19
20 Dated: May 23, 2013

21
22 
Hon. Jay C. Gandhi

23 United States Magistrate Judge
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27 ^{4/} In light of the Court's remand instructions, it is unnecessary to address
28 Plaintiff's remaining contention. (*See Joint Stip.* at 13-16, 19-20.)